

TREATY RIGHTS HELD SUPREME.

Connseel Argues Colonies Can- not Override Them.

A despatch from The Hague states that ex-Senator George Turner of the counsel for the United States in the fisheries arbitration, argued that treaty rights between nations were supreme and could not be affected by colonial legislation.

Mr. Turner said he did not wish to charge Great Britain with bad faith, nevertheless she could not in good faith maintain that her attitude before the Halifax commission in 1877 was consistent with her present attitude. Mr. Turner cited the late Lord Salisbury as acknowledging in 1878 that British sovereignty in the matter of fishing on the Newfoundland coasts was limited by the treaty of 1813 and that colonial legislation could not over-ride a treaty.

Mr. Turner pointed out that Great Britain in her fisheries treaties with France recognized the practicability of their regulating the fisheries in com- mon and also the real character of the French right to fish. The Ameri- can right, Mr. Turner declared, was identical with the French right.

FOUR MACKEREL FARES AT BOSTON.

Vessels Have Trips of From
5,000 to 10,000 Fish Each.

Good news was received this morn- ing from the seiners, four of them having reported at Boston with fares from 5000 to 10,000 large fresh mack- erel, which was selling at 28 cents each. The arrivals were schs. Ellen C. Burke, with 10,000 large mackerel, sch. Electric Flash, Capt. William Bis- sett, with 8000, sch. Pontiac, Capt Enos Nickerson with 5000 and sch. Rhodora, Capt. John McInnis with 4500.

The skippers report taking these mackerel near the Cultivator Shoal on Sunday. There were 10 or a dozen vessels there at the time and one or two others were reported as taking small schools.

The fish did not show very well, and only stayed up a few minutes, making it difficult to catch them. There were numerous schools but none of them were large, although the skippers think there were quite a body of fish scattered over that section.

The Canadian Fish Bureau of Fri- day last report mackerel plenty at Al-

berton, P. E. I., and fair catches by bait fishermen at Escuminac. At all other places along the provincial coast mackerel were reported scarce, but cod, herring and other fish were reported quite plentiful.

Captains Consider Situation As More Encouraging.

The skippers who arrived believe that some good fishing will yet be had during July and that mackerel will be found on Georges.

The fish were very large most of them had spawned and were beginning to get fat.

This is the only good news from the mackerel seiners this season, and it looks as if the fish are late in coming this way. Some predict that a good school of fish will be seen upon this shore ere the season closes.

Seiners at Boston

Sch. Ellen C. Burke, 10,000 fresh mackerel.
Sch. Electric Flash 8000, fresh mackerel.
Sch. Pontiac, 5000 fresh mackerel.
Sch. Rhodora, 4500 fresh mackerel.
No arrivals at Newport or New Bed- ford are reported today.

MANY TRIPS AT BOSTON.

Four Mackerel Fares Includ- ed Among Them.

The fish receipts at T wharf are quite numerous this morning, among the number being four trips of fresh mack- erel.

The receipts and prices in detail are:

Boston Arrivals.

Sch. Pontiac, 5000 fresh mackerel
Sch. Rhodora, 4500 fresh mackerel.
Sch. Ellen C. Burke, 10,000 fresh mackerel.
Steamer Spray, 60,000 haddock, 4000 cod.
Sch. Gladys and Nellie, 2000 had- dock, 5000 cod, 3000 hake.
Sch. Harvester, 8000 haddock, 14,- 000 cod.
Sch. Rose Dorothea, 1000 haddock, 18,000 cod.
Sch. Evelyn M. Thompson, 12,000 haddock, 25,000 cod.
Sch. Appomattox, 19,000 cod.
Sch. Athena, 8000 haddock, 25,000 cod, 1000 hake.
Sch. Fannie Belle Atwood, 15,000 haddock, 15,000 cod, 10,000 hake.
Sch. Josephine DeCosta, 8000 had- dock, 25,000 cod.
Sch. Genesta, 10,000 haddock, 7000 cod, 1000 hake.
Sch. Aspinet, 75000 cod.
Sch. James and Esther, 1300 had- dock, 14,000 cod.
Sch. Helen B. Thomas, 10,000 had- dock, 1000 cod.
Sch. Flavilla, 6000 haddock, 2003 cod.
Sch. George E. Lane, Jr., 2000 had- dock, 16,000 cod.
Sch. Regina, 20,000 haddock, 10,000 cod, 4000 hake.
Sch. Nettie Franklin, 12,000 haddock, 700 cod.
Sch. Seaconnet, 7000 haddock, 16,000 cod, 500 hake.
Sch. Electric Flash, 8000 fresh mack- erel.
Sch. Maud F. Silva, 16,000 haddock, 5000 cod, 3000 hake.
Sch. Galatea, 2500 haddock, 20,000 cod.
Sch. Viking, 25,000 cod.
Sch. Victor and Ethan, 25,000 had- dock, 20,000 cod, 1000 pollock.
Sch. Ignatius Enos, 2000 cod.
Sch. Thomas Brundage, 15,000 had- dock, 18,000 cod, 5000 hake.
Sch. Good Luck, 18,000 cod.
Schs. Mina Swim, Catherine and El- len, Emerald and Sylvia Nunan, just coming in.
Haddock, \$1.50 to \$2 per cwt.; large cod, \$1.50 to 1.75; hake, 1.25 to \$2.25; cusk, \$2.25; mackerel, 28 cts. each.

FIRST DORY HANDLINER HOME.

Sch. Harry A. Nickerson Brings 100,- 000 Pounds Salt Cod from Quero.

Sch. Harry A. Nickerson, Capt. Wil- liam Clark, the first of the dory hand- liners, arrived yesterday with 100,000 pounds of salt cod, which were caught on Quero bank and vicinity.

Capt. Clark reports the dory hand- liners as having done very poorly. The first of the season they found no fish and it was since June came in that any fish were taken.

He had seen several vessels shortly before leaving and the highline of them was sch. J. J. Flaherty with 20,- 000 pounds. Sch. Flirt had 120,000 pounds and sch. Alice R. Lawson 100,- 000 pounds. In fact the vessels he saw had from 60,000 to 120,000 pounds.

Squid was just making their appear- ance on the ground, and occasionally a few were taken, so that relieved the situation. Since the squid came, there appeared more fish and Capt. Clark thinks there will be some good fish- ing when they bunch up as they usu- ally do.

HAS GOOD TRAWL BANK TRIP.

Sch. Senator Gardner Brings Second Largest Trip of the Season.

Sch. Senator Gardner, Capt. Vincent Nelson, of the trawling fleet, arrived today from Quero bank with a fine fare of 300,000 pounds of salt cod, the second largest fare brought in this season. Capt. Nelson reports finding fish quite plentiful, but the handliners that he saw were poorly fished. He used a caplin baiting which he pro- cured at Newfoundland and found some good fishing.

Most of the trawlers, both provincial and American had done well on Quero bank and the Newfoundland vessels which went to Grand Bank reported finding good fishing.

FISH RECEIPTS MORE PLentiful.

Number of Good Fares at This Port Today.

The week opened with a decided im- provement for receipts of fish, there being five arrivals with fish since last report, among them sch. Senator Gardner, from a salt bank trawling codfish trip with a fine fare of 300,000 pounds.

Sch. Eugenia from a handline drift- ing trip has the best fare of this kind landed here this season, having 76,000 pounds of salt cod.

Others of the drifting fleet are sch. Patriot with a good fare of 40,000 pounds of salt cod, sch. Miranda 35,000 pounds salt cod, and sch. Winnifred with 25,000 pounds.

Among the shacking fleet to arrive is sch. Thomas A. Cromwell with 50,000 pounds of salt cod and 20,000 pounds of fresh cod. This completes receipts of ground fish and is fully up to expec- tations when conditions are analyzed.

The shore pollock seiners show no material change from last week, the schools of this fish appearing to have left.

The shore boats remained in port for the Fourth in consequence there is no fish from this source today.

The arrivals and receipts in detail are:

Today's Arrivals and Receipts.

Sch. Eugenia, drifting.
Sch. Almeida, Quero Bank, 6000 lbs. halibut, 20,000 lbs. fresh cod.
Sch. Speculator, seining.
Sch. Thomas J. Carroll, seining.
Sch. Addie M. Story, shore.
Sch. Winnifred, Western Bank, drift- ing, 25,000 lbs. salt cod.
Sch. Patriot, Western Bank, drift- ing, 40,000 lbs. salt cod.
Sch. Harry A. Nickerson, Quero Bank, dory handlining, 100,000 lbs. salt cod.
Sch. Senator Gardner, Quero Bank, 300,000 lbs. salt cod.
Sch. Thomas A. Cromwell, Quero Bank, shacking, 50,000 lbs. salt cod, 20,000 lbs. fresh cod.
Sch. Miranda, Western Bank, drift- ing, 35,000 lbs. salt cod.
Sch. William H. Rider, Georges, drift- ing, 50,000 lbs. salt cod.

Vessels Sailed.

Sch. M. Madeleine, swordfishing.
Sch. Hobo, swordfishing.
Sch. Jennie H. Gilbert, swordfish- ing.
Sch. Annie and Jennie, swordfish- ing.
Sch. Ralph Russell, drifting.
Sch. Mattie D. Brundage, drifting.
Sch. Gladys and Sabra, drifting.
Sch. Francis J. O'Hara, Jr., shack- ling.
Sch. Marsala, Georges.
Sch. Mary DeCosta, haddocking.
Sch. Patrician, seining.

Today's Fish Market.

Large halibut cod, \$3 per cwt.; me- dium cod, \$2.75; snappers, \$1.50.

Trawl salt Georges cod, large, \$3.50; mediums, \$3.

Large salt handline Georges cod, \$3.50; mediums, \$3.00.

Trawl bank cod, large, \$3 per cwt.; medium, \$2.75; snappers, \$1.50.

Outside sales drift Georges salt cod, \$3.75 per cwt. for large and \$3.25 for mediums.

Salt cusk, large, \$2.50 per cwt.; medium, \$2; snappers, \$1.

Salt pollock, \$1.25 per cwt.; salt haddock, \$1.25; salt hake, \$1.25.

Round pollock, 70 cts. per cwt.; dressed pollock, 75 cts.

Splitting prices for fresh fish, West- ern cod, large \$2 per cwt.; medium do., \$1.65; Eastern cod, large, \$1.60; medium cod, \$1.40; cusk, \$1.60 for large, \$1.20 for medium and 50c for snappers; haddock, 80 cts.; hake, 90 cts.; pollock, round, 65 cts.; dressed, 70 cts.

July 5.

Has Cargo of Cured Fish.

Sch. Addie M. Story which has been on the Maine coast collecting and buy- ing cured fish, arrived here yesterday with 150,000 pounds of cod and other ground fish for the Gorton-Pew Fish- eries Company.

Fishing Fleet Movements.

Sch. Raymah arrived at Liverpool, N. S., on Friday, took ice and bait and cleared for the fishing grounds.

UNITED STATES FISHING RIGHTS EQUAL THOSE OF GREAT BRITAIN.

Senator Turner Closed Argument at Hague, Taking Eight Days.

No Exclusive Right to Make Regu- lations Reserved in Treaty.

(From Our Special Correspondent.)

George Turner of counsel for the United States concluded his argument before the arbitration tribunal on the Newfoundland fisheries dispute with Great Britain on Friday. He spoke eight days.

In closing, Mr. Turner said that though he had spoken freely he had desired throughout to show the greatest respect to England. The United States and England, he said, were common in blood, history, legislation and language.

Perhaps, he said, the disputes between the two nations were due partly to the close relationship, for when the British lion roared across the water American blood grew hot and a defiant roar was sent back, though peace and silence quickly again held sway.

Sir Robert Finlay Discussed Seven Questions for Three Days.

The three days, June 14, 15 and 16, were taken up by Sir Robert Finlay—dealing at length with the seven questions which were submitted to the Tribunal and the application of international law to each case in point. Sir Robert put most of his time, as he did in his opening and historical addresses, on questions one and five, relating to regulations and bays, and claimed, in the case of the former, that the territorial jurisdiction of Great Britain over the locality where the fishery is to be exercised is absolutely unquestioned and unquestionable.

He contended that the same principle applies to that portion of British territory which consists of the territorial waters adjoining the shore and that, in the exercise of these rights in the waters for the purpose of fishing, the United States fishermen are just as much subject to the local regulations, bona fide made for the preservation of the fisheries and the maintenance of order in the interest of the fishermen of both countries, as the British fishermen.

"It is suggested," Sir Robert continued, "that the colony and Great Britain might abuse the power of making regulations. That would not go unchecked, because any such abuse would be an infraction of the treaty. As soon as the fair sphere of regulation of the fisheries was exceeded, as soon as the treaty rights, the enjoyment of the fisheries by the United States fishermen, was interfered with by putting them at a disadvantage as compared with their British competitors, that would be a breach of the treaty and this tribunal would so hold. There is a remedy for anything of that kind.

"But if the contention of the United States should hold good, that no regulation can be made affecting American fishermen, except with the concurrence of the United States, there is no remedy provided. There is nothing in the treaty which provides for joint regulation."

Closing his remarks on question one, "regulations," Sir Robert said regulations of that kind are absolutely essential. Regulations of that kind have always been enforced on these coasts, as he had shown by an examination of the various statutes. But they were never objected to by the United States government until 1878, when the Fortune Bay dispute arose. It was over and over again admitted by the United States government that such regulations were regulations to which fishermen would be subject. The right to make such regulations springs out of the sovereignty which the British government retained over the coast and territorial waters. Such regulations are necessary in the waters as on the shore where the fish are to be cured and dried. And every argument put forward on behalf of the conten-

tion of the United States with regard to the waters would be just as good, or just as bad, with reference to the right of the British government to control the operations upon the shore for sanitary or other reasons.

Employment of Foreigners by United States Vessels.

Speaking to second and third questions regarding the right to employ as members of the fishing crews of their vessels persons not inhabitants of the United States, Sir Robert said, "I propose to submit that the tribunal that on every principle of construction the liberty to the enjoyment of this fishery is confined to the inhabitants of the United States and that they cannot employ persons, not inhabitants of the United States, to fish for them.

"In the second place, I submit that laws forbidding Newfoundlanders to take employment are in no sense and by no possibility an infringement of the treaty and that that is a question which must be dealt with by the court in dealing with this question.

Sir Robert skipped lightly over questions three and four, regarding entry and report at custom house, payment of light and harbor and other dues and entrance to harbors to certain harbors for shelter, repairs, wood and water.

Interpretation of the Term Bays is in Dispute.

Taking up question five, Sir Robert spent the whole of one day on the subject of "bays" and quoted letters, official and otherwise, and a large number of authorities on international law to support his contention. He referred to Mitchell's map and Jeffery's maps, published back in 1776 or thereabouts, and submitted that the word "bay" occurring in this fifth question must be read with reference to these maps as they must be taken to have been before the arbitrators of the treaty. He again reviewed all the diplomatic correspondence on the matter of bays from the signing of the treaty down to the present time, taking up the Adams and Bathurst letters.

"In closing he said: 'I submit that it all comes down to this, that there is great uncertainty as to the extent of the coastal belt; three miles is certainly territorial. Nothing more is certain. How far it goes beyond that we do not know. Our view is simply this, that the question is one of the construction of the treaty and that the word "bays" must be taken in its fair and natural meaning according to the language of the treaty and unfettered by any such artificial canon as it is now sought to import into the case.

"I have now, sir, arrived at the end of this long pilgrimage. I have only to express to the court my most grateful sense of the patience with which they have listened to a very long argument. I do not apologize for the length of the argument, because the length of that argument was an unfortunate necessity, the case being one of such very great complexity, and there being so many documents and facts, it was necessary in order to render the questions intelligible, that the court should be to some extent guided in detail through the labyrinth of all these volumes, so that all the material facts might be before the court, for the purpose of dealing with the questions *seriatim*.

"I shall not endeavor to summarize my contentions with regard either to the general historical aspects of the case, or to the particular questions. I have endeavored to do that as I went along and I have only now to say that I leave the case of Great Britain, of Canada and of Newfoundland, with the utmost confidence in the hands of this tribunal."

Senator Turner Made Powerful Pre- sentation of United States Case.

On Monday, June 20, ex-Senator Turner, of Washington, opened the case for the United States, concluding on Friday last as before stated. His argument is considered a remarkable effort, and withal an exceedingly powerful presentation of the contentions of the United States in the case of the North American fisheries arbitration. The "Senator," as everybody at The Hague calls him, is deliberate and forceful in his assertions, his sentences being so framed as to be easily and quickly divined as to their meaning and intent. His language is well chosen and he follows his points to definite conclusions.

His opening address elicited many compliments from the other great legal lights in the case. He certainly handled his subject in a masterly manner and in spite of the handicap of having to follow a barrister of the great standing of Sir Robert Finlay, as well as opening the case for the opposition, he proved himself equal to the great task and made a noteworthy introduction of the case of the United States.

In opening Mr. Turner said he differed from the learned counsel for Great Britain that the questions at issue had been pending for nearly a century, since he would show that for 25 years after the treaty of 1818, the government of the United States through its citizens had exercised its rights without question from Great Britain. Great Britain and her colonies had slept on their rights for another quarter of a century before they raised the next question involving any disputed construction of the treaty. The other questions will be found to be of recent birth and one was first suggested to the United States at the time of the formulation of the special agreement under which the tribunal is constituted. And that in the face of an unbroken period of 90 years, which ought to have been sufficient for all purposes of national good faith of the two governments and would have been but for the insistence of a colonial insistence which she was unable to withstand.

Regarding the questions of international law which may be involved in some of the questions, Mr. Turner declared that while it was not the province of the tribunal to declare international law, still it must deal with those questions as would any court and its precepts and maxims, when fully understood, would undoubtedly be accepted as correct principles of international law.

Taking up the question of colonial interference with the treaty by legislation, Senator Turner said it could not be expected that the United States would accept the British claim without objection, and in support of that objection must present in support of its position the practice of nations and the books written upon the subject by the great publicists of the world.

Interpretation of the Term Bays.

Regarding the matter of the interpretation of the term bays, Senator

Turner said the tribunal could avoid the question of international law submitted by the United States by accepting the position of Great Britain, but he claimed that it must consider the term in a legal and not in a geographical sense and as considered by the parties at the time of making the treaty of 1818.

There were two alternative courses, the tribunal could apply to the question the correspondence relating to the treaty which clearly defined the character of bays, and they may look at the history of the treatment of the question.

In the latter case they will find that while Great Britain has maintained its position on this matter as a diplomatic fence spasmodically and intermittently since it was raised in 1845, it has never undertaken to put the doctrine in practice and has only seized two vessels as test cases, both of which were decided in by an international tribunal against her.

Senator Turner then took up the treaty of 1783 and argued that it gave no new rights to the United States but simply renewed or recognized the existing rights which had accrued by the people of the colonies being the discoverers or originators of the fisheries on the American coast, and also by the expenditure of blood and treasure in defence of those rights in the wars between England and France, and that the treaty of 1813 did not abrogate the treaty of 1783 in reference to these rights, presenting an exhaustive review of the correspondence and claims of the United States upon the question and the admission by Great Britain of the justice of those claims.

July 5.

Authorities and Practice of Nations Sustain United States.

During his argument, Senator Turner pointed out that only Bolwering Von Litz and Jellinck had combatted the doctrine of international servitude, while the vast majority of authorities and the practice of nations confirmed the theory. The territorial sovereignty of England, he continued, had been limited so far as the jurisdiction over fisheries was concerned for the exercise of American fishing (servitude) could not be hindered or hampered by English fishing laws.

In reply to several questions by Prof. Lammasch, Senator Turner further said by territorial sovereignty he understood acts of sovereignty exercised in the territory of a state. The right accorded to the inhabitants of one state to settle in the territory of another in virtue of a commercial treaty was not international "servitude."

Liberty in the Treaty Synonymous With Right.

Continuing he argued that the treaty of 1818, however, strictly interpreted, did not contain any limitation of the servitude of American fishing. The word "liberty" in the treaty was equivalent to the franchise, a royal privilege, and the exclusive proprietary right of a very high character. The American negotiators have consented to the insertion of the word "liberty" in place of the word right, because "liberty" sounded agreeable to English ears, but the sense of the treaty remained unaltered.

The words "in common with British subjects," in the treaty, did not imply any limitation of the American right, but only that it was not exclusive, "in common" meant equally with a certain number of people without difference or distinction.

Britain had no right to prescribe how America should use her right, for in that case the American right would not be equal to the British caprices and egotism of British colonies.

British Government Failed to Produce Report.

Senator Turner drew particular attention of the tribunal to the circumstances that while the report of the American negotiators to the American government concerning the treaty of 1818 contained nothing in regard to the limitation of American right by the introduction of the expression "in common," Britain had failed to produce before the tribunal the report which the British negotiators had made to their government concerning the same treaty.

This circumstance was very significant.

Senator Turner contended that the right given inhabitants of the United States till the treaty of 1818 to take, dry and cure fish on the coasts in question, in common with the subjects of Great Britain, was a negation of exclusiveness as regards regulations, for the United States would never have accepted such a right if it were to be subject to capricious regulations by Great Britain alone, for instance as imposing a close season of 10 years. Great Britain had reserved no exclusive right in the treaty to make regulations, therefore he argued that the right "in common" created an equal right to regulate without limitations.

July 6.

Varied Assortment of Fish From Portland Trap.

About as varied an assortment of fancy fish as has been received in Portland this year was brought in recently by Charles Olsen of Cape Elizabeth. He had 21 pounds of mackerel, a salmon, some shad and what was more pleasing about 15 pounds of butter fish. These last are the first that have been brought in here this season. The four varieties of fish were caught by Mr. Olsen in his traps at Richmond's island.

Fish Deal on the Pacific Coast.

A deal which aims at the unification of all the cod fishing on the Pacific coast is now in progress, and nearly completed, backed by San Francisco and Boston capital.

On Puget Sound five companies have been engaged in codfishing in Behring sea, and the industry has grown from two schooners half a dozen years ago, to a locally controlled fleet, numbering over a dozen vessels.

Halibut at Portland.

Sch. Waldo L. Stream arrived at Portland yesterday with 18,000 pounds of halibut.

Codfish Sales.

The fare of salt and fresh codfish of sch. Thomas A. Cromwell was sold to the Gorton-Pew Fisheries Company.

July 6.

MACKEREL NEWS COMPLETE BLANK

No Tidings Being Received From the Seining Fleet.

There is a lull in the mackerel situation today, no arrivals with fish being reported, and no report from the seiners.

One seiner, sch. Indiana, arrived today from Block island, but found no fish. She was not in the vicinity of the Cultivator shoal, where the vessels which were in yesterday, took their fish, but off No Man's Land, and on the Rips, where no fish were seen.

The weather is all that could be desired for seining, and it is thought that in a day or so some others of the seiners will be reported at Boston with fish.

The Canadian fish bureau of Saturday last report a few mackerel being taken at Liverpool, N. S., but fairly plenty at Escuminac Point.

Along the Maine coast no mackerel of any consequence are being found, but occasionally a boat takes a few in drift nets, but the number is not sufficient to warrant the prediction that a good catch will be in order later in the season. It is time, however, if there are a good body of fish on this shore, that they would be showing, as in years gone by.

Saw School of Whales.

Capt. Krum of the bark Carrie Winslow, which arrived at Boston yesterday reported a great school of whales off Nantucket, 15 being counted at one time.

Old fishermen say that it is a forerunner of a school of mackerel coming on that ground and that the whales are following them.

EARLY SEINERS RUINED FISHERY

Charles A. Dyer Thinks Close Season the Only Remedy.

To the Editor of the Times:—I read with interest the item on mackerel fisheries 40 years ago. At that time Portland, Gloucester, Boothbay, Southport and other Maine towns as well as many Massachusetts towns were all largely engaged in mackerel fisheries, and at that time the business was very profitable.

The large fleet of vessels from both Gloucester and Portland with few exceptions sent their vessels to the banks on the Nova Scotia shore and our shore codfishing until July 1, then they were fitted for the mackerel fishery. We had two vessels from Portland that started the last of April south and run mackerel fresh to the Fulton market and they were all the vessels that run fresh to New York market. The first of June a few Cape Cod vessels employed in the oyster business through the winter fitted and went south hooking mackerel.

Mackerel fishery was carried on and the vessels with few exceptions paid good dividends. The netting of mackerel was also carried on successfully, the fleet of netters starting about first of June and did not go further south than Barnstable bay. They also for years were very successful, and had the mackerel fisheries been continued in this way, the business would be a very profitable business today.

But the sending south of a large fleet of vessels to catch up the spawn and milt fish ruined the business. In 1880 the fleet was increased by the building of a great many new and costly vessels. Thousands of barrels of mackerel were caught and carried into New York fresh and sold for just what they would bring and thousands of barrels were carried out and dumped in the spring of 1885. The last good mackerel year, 50,000 to 75,000 barrels were carried from New York and dumped, I had one vessel, sch. James Dyer, that caught 5000 barrels of mackerel that year and about one-half were either dumped or given away.

June was always considered the poorest month of the year for seining and with few exceptions but very few mackerel were caught, as the claim was that the mackerel were down spawning.

Until a close time is made until July 1, of each year, the business of catching mackerel will be a lottery and an unprofitable and uncertain business to all engaged.

July 6.

In 1885 I marked and inspected 25,500 barrels of mackerel and there were packed and inspected in Portland alone 125,000 to 150,000 barrels. Last year not a barrel was packed in Portland.

Capt. Smith and any of the old-time mackerel catchers know that the southern mackerel fisheries has ruined what was once a very large profitable business, employing thousands of men and the most of them were first-class men, engaged in a business at that time that was a good profitable business. And the southern mackerel fishery is carried on today by a few good men on the principal of let tomorrow take care of itself, and if they knew sure that the making of a close time would bring back the large and profitable business of 40 years ago they would continue to go south and carry on the business at a great loss, hoping against hope that the business will come back without a close time until July 1st of each year.

I wrote Capt. McFarland last fall that in time the business will regulate itself, but it will be at a great loss to those who engage in it; that the gill nets would take the place of seining and the vessels that went seining the present year would do so at a great loss unless they got mackerel on the Cape Shore.

It is no use trying to catch mackerel in seines where hundreds of miles of gill nets are set. These nets prevent the mackerel from schooling and next year in order to make the business profitable, Gloucester should do away with seines and use nets, and in a couple of years the nets will finish up what is left of the business by the seining fleet.

C. A. DYER.

July 6.

Misbranding of Canned Fish.

On or about June 3, 1909, the Monterey Packing Company of Monterey, Cal., shipped from the state of California to the state of New York 63 cases of canned fish labeled "Broiled California Mackerel—Pilchard or Sardinia Caeruleus, packed at Monterey, Cal." Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made, that the said shipment was liable to seizure under section 10 of the act, the secretary of agriculture reported the facts to the United States attorney for the southern district of New York.

In due course a libel was filed against the said 63 cases of canned fish charging misbranding, in that each can was labeled "Broiled California Mackerel—Pilchard or Sardinia Caeruleus," which form of labelling was false and misleading, in that the product contained in each of said cans was not broiled California mackerel, but was California sardine, and also the words "Pilchard or Sardinia Caeruleus," were printed on said cans in very small insignificant letters noticeable only upon close inspection, and were further misbranded, in that the product was offered for sale under the distinctive name of another article, and praying seizure, condemnation and forfeiture.

On September 14, 1909, the case came on for hearing and the court rendered its decree of condemnation and forfeiture, and directed that the goods be released to the owners upon payment of costs and the filing of a bond conditioned that the said goods should not be disposed of contrary to the laws of the United States or of any state, territory or insular possession thereof.

July 6.

ROCKPORT NOTES.

First Squid of the Season.

The Story company's trap had the first squid of the season yesterday, when it produced four barrels. This is good news for the fishermen, as there has been a great scarcity of bait, and the appearance of the squid makes them more hopeful.